

CARR & ASSOCIATES
9595 Wilshire Blvd., Ste. 900
Beverly Hills, CA 90212
(310) 300-8470

RECEIVED
CENTRAL FAX CENTER
FEB 09 2005

FACSIMILE

| | |
|------------------------|----------------------------|
| TO: Andrew Joseph Rudy | FROM: John R. Carr |
| COMPANY: USPTO | COMPANY: Carr & Associates |
| FAX NO: (703) 872-9306 | FAX NO: (310) 300-8401 |
| PHONE: (703) 308-7808 | PHONE: (310) 300-8470 |
| DATE: February 7, 2005 | |

NUMBER OF PAGES (including cover sheet): 11

COMMENTS:

Examiner Rudy,

Let me know when you and Mr. Robert P. Olszewski will be available for an interview within the next two weeks and be prepared to discuss the matters set forth hereinafter.

Please contact me if you have any questions or concerns regarding this communication. Otherwise, I look forward to our interview.

Sincerely,

J. Carr
Attorney at Law

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
FEB 09 2005

APPLICANTS: Haber, Jeff
SERIAL NO.: 09/628,569
FILING DATE: July 31, 2000
TITLE: "Directing Internet Shopping Traffic and
Tracking Revenues Generated as a Result Thereof"
EXAMINER: Andrew J. Rudy
GROUP ART UNIT: 3627
ATTY. DKT. NO.: 04910

***REQUEST FOR EXAMINER INTERVIEW TO BE CONDUCTED
WITHIN TWO WEEKS AND INDICATION OF ISSUES TO BE
DISCUSSED***

As an initial matter, the Examiner has suggested that the Declaration does not support the claimed language. Clearly this suggestion belies the Examiner's lack of knowledge as to what exactly is required to be present in the Declaration. One of the issues to be discussed during the interview will be the basis for this erroneous conclusion. In order to facilitate this discussion, the Applicant shall hereinafter compare the language of the independent claims with the language of the declaration in the simplest of terms such that even the most unintelligent and unskilled Examiner can understand and clearly see claimed invention is supported by the Declaration.

1. A method for providing internet traffic for on-line shopping:

providing a segment of video content in a first portion of a display, said segment of video having a number of products featured in the video content which a user may purchase;

I FIRST CONCEIVED OF THE IDEA TO HAVING SEPARATE VIDEO AND STILL IMAGE DISPLAY AREAS. MY IDEA WAS TO HAVE VIDEO PLAY IN ONE AREA

simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased;

SELECT FRAMES FROM THE VIDEO WOULD THEN BE DISPLAYED IN A SEPARATE AREA. THESE SELECT FRAMES, AND NOT THE VIDEO ITSELF, WOULD EACH CONTAIN A NUMBER OF USER SELECTABLE AREAS, EACH USER SELECTABLE AREA SHOWING ONE OF THE PRODUCTS CONTAINED IN THE CORRESPONDING SEGMENT OF VIDEO CONTENT. EACH USER SELECTABLE AREA IN THE STILL IMAGE WOULD THEN BE ANCHORED TO A HYPERLINK, LINKING TO AN E-COMMERCE WEBSITE WHERE SPECIFIC INFORMATION ABOUT THE PRODUCT RESIDES AND FROM WHICH THE PRODUCT MAY BE PURCHASED. THE STILL IMAGES WOULD BE SIMULTANEOUSLY DISPLAYED AND UPDATED ...

receiving a user's selection of one of the user selectable areas in the still image showing one of the products contained in the corresponding segment of video content;

THE STILL IMAGES WOULD BE SIMULTANEOUSLY DISPLAYED AND UPDATED AND A USER COULD CLICK ON ANY OF THE PRODUCTS FEATURED IN THE VIDEO.

using the hyperlink anchored to the user's selected area to directly access the e-commerce website and retrieve the specific information about the product contained in the corresponding segment of video content; and
USING THE HYPERLINK ANCHORED TO THE USER'S SELECTED AREA, THE SOFTWARE WOULD THEN DIRECTLY ACCESS THE E-COMMERCE WEBSITE, RETRIEVE THE SPECIFIC INFORMATION ABOUT THE PRODUCT CONTAINED IN THE CORRESPONDING SEGMENT OF VIDEO CONTENT

simultaneously providing the specific information about the product to the user in a separate and third portion of said display.
AND SIMULTANEOUSLY PROVIDING THE SPECIFIC INFORMATION ABOUT THE PRODUCT TO THE USER IN A SEPARATE AND THIRD PORTION OF SAID DISPLAY.

16. A user interface for use with a web browser, comprising:

a video area for displaying several contiguous segments of video content featuring products which may be purchased; and
I FIRST CONCEIVED OF THE IDEA TO HAVING SEPARATE VIDEO AND STILL IMAGE DISPLAY AREAS. ... MY IDEA WAS TO HAVE VIDEO PLAY IN ONE AREA

a second and separate image area for simultaneously providing a series of still images, each still image in the series corresponding with one of the contiguous segments of video content and being a select frame from said corresponding segment of video content,

SELECT FRAMES FROM THE VIDEO WOULD THEN BE DISPLAYED IN A SEPARATE AREA. AS THE VIDEO PLAYED, THE STILL IMAGES WOULD BE SIMULTANEOUSLY DISPLAYED AND UPDATED AND A USER COULD CLICK ON ANY OF THE PRODUCTS FEATURED IN THE VIDEO.

each still image containing a number of user selectable areas, each user selectable area showing one of the products featured in the corresponding segment of video content, wherein each user selectable area in the still image is anchored with a hyperlink which links directly to a sponsor webpage such that when the user selectable area is selected, information about the product shown in that area, including an option to purchase the product, is linked directly from the sponsor webpage using the hyperlink, and the information is simultaneously displayed to the user in a third and separate display area.

THESE SELECT FRAMES, AND NOT THE VIDEO ITSELF, WOULD EACH CONTAIN A NUMBER OF USER SELECTABLE AREAS, EACH USER SELECTABLE AREA SHOWING ONE OF THE PRODUCTS CONTAINED IN THE CORRESPONDING SEGMENT OF VIDEO CONTENT. EACH USER SELECTABLE AREA IN THE STILL IMAGE WOULD THEN BE ANCHORED TO A HYPERLINK, LINKING TO AN E-COMMERCE WEBSITE WHERE SPECIFIC INFORMATION ABOUT THE PRODUCT RESIDES AND FROM WHICH THE PRODUCT MAY BE PURCHASED. USING THE HYPERLINK ANCHORED TO THE USER'S SELECTED AREA, THE SOFTWARE WOULD THEN DIRECTLY ACCESS THE E-COMMERCE WEBSITE, RETRIEVE THE SPECIFIC INFORMATION ABOUT THE PRODUCT CONTAINED IN

THE CORRESPONDING SEGMENT OF VIDEO CONTENT AND SIMULTANEOUSLY PROVIDING THE SPECIFIC INFORMATION ABOUT THE PRODUCT TO THE USER IN A SEPARATE AND THIRD PORTION OF SAID DISPLAY.

19. A user interface for use with a web browser, comprising:

 a video area for displaying a segment of video content featuring products
 which may be purchased; and

I FIRST CONCEIVED OF THE IDEA TO HAVING SEPARATE VIDEO AND STILL IMAGE DISPLAY AREAS. ... MY IDEA WAS TO HAVE VIDEO PLAY IN ONE AREA

 a separate still image area for simultaneously providing a still image
 corresponding with a frame of the segment of video content and
SELECT FRAMES FROM THE VIDEO WOULD THEN BE DISPLAYED IN A SEPARATE AREA. AS THE VIDEO PLAYED, THE STILL IMAGES WOULD BE SIMULTANEOUSLY DISPLAYED AND UPDATED AND A USER COULD CLICK ON ANY OF THE PRODUCTS FEATURED IN THE VIDEO.

 containing a number of user selectable areas, each user selectable area showing one of the products featured in the corresponding segment of video content, wherein each user selectable area in the still image is anchored with a hyperlink which links directly to a sponsor webpage such that when the user selectable area is selected, information about the product shown in that area, including an option to purchase the product, is linked directly from the sponsor webpage using the hyperlink, and the information is simultaneously displayed to the user;

THESE SELECT FRAMES, AND NOT THE VIDEO ITSELF, WOULD EACH CONTAIN A NUMBER OF USER SELECTABLE AREAS, EACH USER SELECTABLE AREA SHOWING ONE OF THE PRODUCTS

CONTAINED IN THE CORRESPONDING SEGMENT OF VIDEO CONTENT. EACH USER SELECTABLE AREA IN THE STILL IMAGE WOULD THEN BE ANCHORED TO A HYPERLINK, LINKING TO AN E-COMMERCE WEBSITE WHERE SPECIFIC INFORMATION ABOUT THE PRODUCT RESIDES AND FROM WHICH THE PRODUCT MAY BE PURCHASED. USING THE HYPERLINK ANCHORED TO THE USER'S SELECTED AREA, THE SOFTWARE WOULD THEN DIRECTLY ACCESS THE E-COMMERCE WEBSITE, RETRIEVE THE SPECIFIC INFORMATION ABOUT THE PRODUCT CONTAINED IN THE CORRESPONDING SEGMENT OF VIDEO CONTENT AND SIMULTANEOUSLY PROVIDING THE SPECIFIC INFORMATION ABOUT THE PRODUCT TO THE USER

a separate product content area for simultaneously displaying the information about the product and the option to purchase the product which was linked from the sponsor webpage using the hyperlink anchored to the user selectable area.

SIMULTANEOUSLY PROVIDING THE SPECIFIC INFORMATION ABOUT THE PRODUCT TO THE USER IN A SEPARATE AND THIRD PORTION OF SAID DISPLAY.

COMMENTS

The Applicant has requested an interview with the Examiner and his supervisor, Robert P. Olszewski to be conducted within *the next two weeks*. Any further delay would be highly prejudicial as the Examiner has inappropriately made the current office action final and has continuously delayed in the prosecution of this matter. The issues to be discussed in the interview are as follows:

FINALITY OF THE CURRENT OFFICE ACTION

The Examiner has failed to indicate how the prior response or amendment has necessitated the new ground for rejection. This Examiner is on nothing short of a far fetched digging expedition and has continued to cite to wholly inapplicable references which fail to teach every element of the invention. The Examiner previously rejected the claims under §102 in light of KAMAN and now that Applicant has made clear that KAMAN does not teach all of the specific elements of the claims, the Examiner has cited to a new reference in combination with KAMAN and changed his rejection to a §103. The amendment did not add any elements to the claims or narrow the claims in any way. In fact, the amendments were made at the suggestion of the Examiner to clear up inconsistencies in the claim language.

Unfortunately, the Examiner fails to point out how the amendments to the claims have now made this new reference suddenly applicable and why it would not have been before – i.e., why the amendment has necessitate the new grounds for rejection.

Accordingly, the Applicant requests that the Examiner and his supervisor review the current office action and be prepared to explain in detail why the office action is final.

DECLARATION UNDER 37 CFR 1.131

The rejection at issue is based, in part, upon prior art U.S. Patent No. 6,229,541 issued to Kaman (hereinafter referred to as "Kaman"). See Examiner Rejection, P.2, Para. 3, Ln. 5. As the Applicant has already previously stated, this reference actually *issued after the applicant's priority filing date* but is *based upon an application filed less than one year before applicants priority date*. Accordingly, the rejection is clearly inappropriate.

The Applicant has now filed a sworn statement indicating his date of invention is as early as July of 1998 with reduction to practice in May of 1999. The Applicant's invention date overcomes the KAMAN reference and accordingly the rejection based, in part, upon KAMAN is improper.

The affidavit is only required to show possession of the *invention*. (i.e. the basic inventive concept). See MPEP §715.02. Applicant and Examiner have agreed time and again that the major inventive concept of this invention is the use of separate still images which correspond with frames from the video such that the still images are displayed in one area of a display, with the video displayed in a separate area of the display. As the video plays, the still images are constantly updated to correspond with a new select frame from the currently playing segment of video content. It is these still images themselves which each contain a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content. Clearly the declaration shows that the Applicant had possession of this innovative concept prior to KAMAN.

Applicant requests that the Examiner and his supervisor be prepared to point to the specific claim language which they believe is not supported by the Declaration previously submitted. Applicant further requests that the Examiner and his supervisor be prepared to indicate specific alternate language they would deem acceptable.

THE COLLINS-RICHTER DISCLOSURE

Finally, Applicant requests that Examiner and his supervisor be prepared to point to specific locations in United States Patent No. 6,188,398, (hereinafter referred to as "the Collins-Richter reference") which specifically teach the claimed invention. Applicant has closely reviewed the reference in detail and cannot see how the reference comes any closer to teaching the claimed limitations than any of the other previous references.

The Collins-Richter reference teaches video containing entertainment programming and *banner ads*, i.e., *active areas which can be selected by a mouse click*. *These banner ads are synchronized with the video as it is playing*. Such synchronism may be in conjunction with products and/or services which appear as the video is playing. That is, in addition to synchronizing based on time, such time may correspond to content displayed such that *a banner ad appearing relates to the video content being displayed at the time the banner ad is displayed*. As a new ad banner appears, a clickable button or

thumbnail for the previous ad appears. These buttons are added at the top or end of a push down stack, referred to herein as an ad toolbar.

Accordingly, at the most all Collins-Richter teaches is that as a video is played, a separate banner ad is displayed with the banner ad relating to the video content. This is not the same as specifically having a separate still image which actually corresponds with a frame from the segment of video content.

Additionally, in Collins-Richter, as each banner as is replaced, a clickable button or thumbnail for the previous ad appears. These buttons can be selected to obtain further information about an item which appeared in the banner ad represented by the button. Accordingly, the clickable button is selected and when clicked will presumably bring up product-vendor information related to the banner ad. This is not the same as providing a still image which corresponds with a frame in the segment of video content and which contains *a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content, each user selectable area being anchored to a hyperlink, each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased.*

In short, the Applicant is dumbfounded as to how or why the Examiner believes this invention teaches the claimed limitations and Applicant is deserving of a full and thorough explanation as to why the Examiner has cited this reference. In short, it appears the Examiner did not even read this reference with attention to any detail.

CONCLUSION

In conclusion, Applicant requests that the Examiner and his supervisor be present for an interview to be conducted within the next two weeks and during which the aforementioned items be discussed in detail. Attorney for the Applicant can be contacted 24 hours a day at (310) 650-5227 to schedule this interview or discuss any issues or concerns you may have regarding this communication.

Respectfully submitted,

Dated: February 8, 2004

John R. Carr
Registration No. 42,390
Attorney for Applicant